

Before the
STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Investigation into the Principles and Priorities to be Established for Evaluating the Reasonableness of the Location of a Proposed Transmission Line in Future Line Siting Proceedings.

Docket 24-GIME-102-GIE

INTERVENOR KANSAS FARM BUREAU'S POST-WORKSHOP REPLY COMMENTS

COMES NOW The Kansas Farm Bureau (“KFB” or “Intervenor”), following the Technical Workshop held on November 1, 2024, and the filing of Intervenor comments by November 8, 2024, and respectfully submits the following post-workshop reply comments. All of KFB’s previously-filed comments are incorporated herein by reference.

A. Comments on Definitions.

In response to other intervenors’ comments on the definitions, KFB provides the following reply:

1. ***Agricultural Structure Impact definition*** - KFB understands the concerns with the lack of clarity in this definition and can support a qualification of “permanent or affixed, substantial agricultural structures.”
2. ***Center Pivot Irrigation*** – After reviewing other proposed edits, KFB believes that its proposal in post-workshop comments provides the best solution that accomplishes limiting this definition to situations where an irrigation system will be impacted, along with recognizing that irrigation impacts can occur on acres outside of a right of way.
3. ***Cultivated Corp Impact*** – KFB opposes ITC Great Plains’ suggestion that this definition be narrowed to exclude lengths of line that is “not near or adjacent to a property

boundary.”¹ Cultivated land that is adjacent to or near a property boundary can still be impacted by transmission structures, where proximity to boundaries can have an even greater impact on things like equipment maneuverability.

4. ***Length along Existing Transmission Lines*** - KFB policy supports the concepts of co-location and the use of existing rights-of-way when siting new transmission lines. However, KFB disagrees with Evergy that “by paralleling existing transmission lines, utilities can maximize alignment with all other routing principles.”² In fact, paralleling existing transmission lines can exacerbate the burdens on cultivated land and center pivot irrigation arms. KFB agrees with staff’s proposed definition that Length along Existing Transmission Lines would have a negative impact on the Z analysis.

B. Comments on Routing Principles:

5. For reasons stated above, KFB opposes the addition of a principle that would act to maximize the length of new transmission that parallels existing transmission line facilities but cannot be co-located with or located within existing rights of way.

B. Comments on Standard Criteria and Weighting:

6. ***Angles over 30 degrees*** – In its post-workshop comments, NEET Southwest advocated for the inclusion of a new criteria for “Angles over 30 degrees.”³ KFB believes it is unnecessary to include “Angles over 30 degrees” in the list of criteria. This proposed criteria would be in conflict with other routing criteria that give preference to routes along roads and parcel boundaries, where right angles would often be necessary.

¹ ITC Great Plains, LCC’s Initial Post-Workshop Comments, ¶ 3 (Nov. 8, 2024).

² Evergy Comments in Response to Staff’s Strawman Proposal, p. 3 (Nov. 8, 2024).

³ Initial Post Workshop Comments of NEET Southwest, ¶ 18 (Nov. 8, 2024).

Heavy angle structures are just one component of the total cost of a transmission line, and that cost would be captured in the cost estimate of a route for consideration and comparison to alternate routes, whether or not this proposed criteria is included.

C. Comments on Required Documentation

7. Commission's Authority

a. *Commission's Jurisdiction* – Other intervenor parties have questioned whether the Commission has the authority to require protocol documents as part of the line-siting process.⁴ State statute gives the Commission discretion in the line-siting process to require filing of “such other information as may be required by the commission.”⁵ Furthermore, in making its determination of “necessity” and “reasonableness” of the location of a proposed electric transmission line that best protects “the rights of all interested parties,” it is wholly within their authority to condition a permit on required documentation, like the protocols for which KFB has advocated, to help protect the rights of landowners who will be burdened by such electric transmission lines.⁶ Moreover, the Commission has experience monitoring utility company actions with regard to protocols in ongoing compliance filings, and would be in an informed position to act on any complaint filed with regard to such protocols.⁷

⁴ See e.g., Energy Comments in Response to Staff's Strawman Proposal, p. 4 (Nov. 8, 2024).

⁵ K.S.A. 66-1,178(a)(3).

⁶ K.S.A. 66-1,180.

⁷ See e.g., Compliance Filing in In the Matter of the Application of Next Era Energy Transmission Southwest, LLC for a Siting Permit for the Construction of a 345 kV Transmission Line Through Coffey, Anderson, Allen, Bourbon, and Crawford Counties, Kansas, Docket No. 23-NETE-585-STG, p. 1 (Dec. 29, 2023).

- b. *Commission Oversight* – NEET Southwest asserts that the Commission could appropriately “consider the transmission developer’s track record of abiding by its protocols to ensure that the protocols are implemented in good faith.”⁸ KFB believes a necessary component of that consideration is ongoing oversight and enforcement by the Commission so that they are informed of any shortcomings of utilities in meeting the standards set forth in their protocols.
- c. NEET Southwest also asserts that if the Commission “approves” and “enforces” the protocols, then utilities would “be incentivized to say less in their protocols,” so as to leave less for interpretation by the Commission.⁹ KFB believes the opposite to be true. The way to leave less for interpretation is to more particularly articulate the protocols, which would be a great outcome for landowners who would have a clearer understanding of the ways a utility intends to conduct business.
8. ***Format of Protocol Documents.*** KFB agrees with NEET Southwest that the protocols can be contained in a single document, as separate documents would likely contain similar and overlapping issues which can create confusion if not repeated verbatim.¹⁰
9. Grain Belt Express asserts that the protocols are internal documents.¹¹ On the contrary, Grain Belt Express has posted its adopted protocols on its website, an act

⁸ Initial Post Workshop Comments of NEET Southwest, ¶ 18 (Nov. 8, 2024).

⁹ Initial Post Workshop Comments of NEET Southwest, ¶ 23 (Nov. 8, 2024).

¹⁰ Initial Post Workshop Comments of NEET Southwest, ¶ 24 (Nov. 8, 2024).

¹¹ Grain Belt Express LLC’s Post-Workshop Comments to Staff’s Kansas Line Siting Principles and Priorities, ¶ 14 (Nov. 8, 2024).

which KFB greatly appreciates as it aids in transparency and the sharing of information with landowners.¹²

10. Evergy asserts that it has “never seen these protocols and was only made aware of the suggestion shortly before the comments were due.”¹³ If Evergy was unaware, it was not for lack of KFB effort. KFB cited examples of protocols in its Sept. 20, 2024, comments, with citations and links, to other Commission dockets.¹⁴ Seven weeks lapsed between KFB’s filing on Sept. 20, 2024, and the filing of Evergy’s comments on Nov. 8, 2024.

11. Some Intervenors have cited their (high) signage rates for easements as an indication that landowner protocols are unnecessary.¹⁵ High signage rates can be the result of coercive tactics and looming eminent domain authority, through which many landowners do not have the means to challenge inadequate compensation rates, unreasonable or burdensome easement locations, and other contractual matters. It is this exact power imbalance that the protocols can act to equalize. Additionally, the protocols could require basic good faith obligations on the part of an electric transmission company that could be negotiated as a part of easement agreements only if landowners had the experience and means equal to that of the transmission company.

¹² Grain Belt Express, Landowner Resources, available at <https://grainbeltexpress.com/landowners/#landowner-resources> (last access Nov. 22, 2024).

¹³ Evergy Comments in Response to Staff’s Strawman Proposal, p. 4 (Nov. 8, 2024).

¹⁴ Intervenor Kansas Farm Bureau’s Initial Comments on Staff’s Criteria List, pp. 4-5 (Sept. 20, 2024).

¹⁵ See e.g. Post Workshop Comments of Sunflower Electric Power Corporation in Response to Staff’s Report and Recommendation, ¶ 7 (Nov. 8, 2024).

D. General Post-Workshop Comments

12. In their post-workshop comments, Grain Belt Express asserts that “the exhaustive process and scope of transmission line route selection, as evidenced by routing studies filed recently, already provides a thorough evaluation of all relevant factors to selecting a reasonable route.”¹⁶ Ironically, one of the recent route studies Grain Belt Express cites was in Docket No. 23-NETE-585-STG, regarding the routing study for the Wolf Creek to Blackberry line.¹⁷ This is ironic because the Blackberry docket ended in a split decision by the Commission and was a driving force leading to this investigation docket being opened.¹⁸ The dissenting opinion in that matter raised concerns about state principles not being adequately considered by the Southwest Power Pool.¹⁹ If state principles are more concrete, as proposed in this docket, then they will be impactful during the SPP process, where bidders will have more clear principles and criteria upon which to bid projects located in Kansas, whether or not the SPP choose to adequately engage with the Commission during the process.

WHEREFORE, Intervenor thanks the Commission and other parties for their consideration of these post-workshop reply comments.

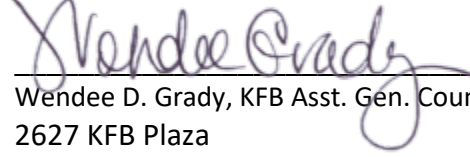
¹⁶ Grain Belt Express LLC’s Post-Workshop Comments to Staff’s Kansas Line Siting Principles and Priorities, ¶ 9 (Nov. 8, 2024).

¹⁷ Grain Belt Express LLC’s Post-Workshop Comments to Staff’s Kansas Line Siting Principles and Priorities, ¶ 7 (Nov. 8, 2024).

¹⁸ In the Matter of the Application of Next Era Energy Transmission Southwest, LLC for a Siting Permit for the Construction of a 345 kV Transmission Line Through Coffey, Anderson, Allen, Bourbon, and Crawford Counties, Kansas, Docket No. 23-NETE-585-STG, Order on Siting application ¶ 69 (May 24, 2023).

¹⁹ *Id.* at p. 3-7 of dissent.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Wendee Grady". The signature is written in a cursive style and is positioned above a horizontal line.

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CERTIFICATE OF SERVICE

On this 22nd day of November, 2024, I hereby certify that a true and correct copy of the foregoing Intervenor Kansas Farm Bureau's Post-Workshop Reply Comments was furnished, by means of electronic service, to the following parties:

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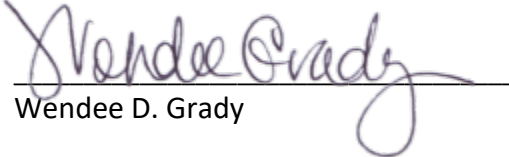
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